

**Ravalli County Planning Board
Meeting Minutes for March 4, 2009
7:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting

Brooks Hotel, Lot 6A, AP (R&G, Inc) Major Subdivision and Variance Request
Elk Ridge (Basolo) Minor Subdivision and Variance Request

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting
may be purchased from the Planning Department for \$5.00.*

1. Call to order

Lee called the meeting to order at 7:04 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Jim Dawson (present)
Howard Eldredge (present)
Ben Hillicoss (present)
Lee Kierig (present)
Fran Maki (present)
Chip Pigman (absent-excused)
Les Rutledge (present)
Cheryl Tenold (absent-excused)
Lee Tickell (present)
Jan Wisniewski (present)

Park Board Representative: Mike Enzler (present)

(B) Staff

Randy Fifrick
Danielle High
John Lavey
Tristan Riddell

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from February 4, 2009, and February 18, 2009. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. Correspondence

Tristan stated that he received an email from Dave Ohnstad of the Road Department regarding the Brooks Hotel, Lot 6A, AP Variance Request. (See Attachment B)

6. Disclosure of Possible/Perceived Conflicts

Tristan stated that the Brooks Hotel, Lot 6A, AP subdivision was involved in litigation regarding the Board of Adjustment's decision to approve a variance during the interim zoning period. He stated that he spoke to the County Attorney's office and that there should not be a problem since the Planning Board is not making a decision; they are just making a recommendation.

Lee Kierig asked Tristan to explain a little more.

Tristan explained that Mr. Hunt with R&G, Inc. submitted a variance for a higher density than the one-per-two acre interim zoning allowed, and the Board of Adjustment approved the variance. He stated that Bitterrooters for Planning filed suit against the Board of Adjustment for their decision. He said that since the interim zoning went out of effect, the slate has been wiped clean. He told the Board that if any of them had a perceived conflict of interest, now would be the time to disclose it.

7. Public Hearing

(A) Brooks Hotel, Lot 6A, AP (R&G, Inc) Major Subdivision and Variance Request

- (i) Staff Report on the Subdivision and Variance Request: **Tristan Riddell** gave an overview of the proposal and stated Staff recommends approval of the subdivision subject to 15 conditions, and approval of the variance request, subject to the conditions in the Staff Report. (See Attachment C, Brooks Hotel, Lot 6A, AP Staff Report)

- (ii) Presentation by Subdivider's Representative

John Horat of Bitterroot Engineering and Design said that he agrees with the recommendations in the staff report. He explained that the road was constructed to 24-feet wide and that current standards only require a 20-foot wide road. He said that leaves four feet; they would like to add another foot or two to it and stripe it for the pathway. He said that they would put signs up and mark it as a pathway that would go all the way to Willow Creek Road.

Mary Lee stated that it is important that there is a pathway because it is so close to Corvallis. She stated that she thinks that a lot of people will use the pathways.

- (iii) Acceptance of public comments

There were no public comments.

- (iv) Planning Board Deliberation and Recommendation on the Variance Request

Ben stated that he thought that the Fire Department had a problem with not having another cul-de-sac at the end for turning around.

Tristan said that the Corvallis Fire Department did not have a problem with the current road design.

Ben Hillicoss asked if the variance request was granted, if the easement would become 30 feet wide instead of 20 feet.

John Horat stated that there will not be an easement; instead, there will be a 30-foot flag. He said that an existing easement is shown on the plat.

Fran Maki asked if the flag lot was not to be designed in order to avoid further road construction.

Tristan said that is how the regulations read and that is why they were required to get a variance. He said that the developer is proposing to develop a driveway that is up to the Fire Department's standards. He stated that with flag lots, the concerns are access issues.

John Horat said that they went ahead and got alternate road plans approved in case the variance was turned down.

Les said that the issue is access and safety. If the variance is approved, it meets the requirements for safety and accessibility by the Fire Department.

Lee Kierig stated that he concurs with the Road Department's and Fire Department's comments.

Mary Lee stated that houses are not going to be built, condominium units are. There is going to be confusion and congestion. She stated that everyone there will have at least two cars each.

John Horat stated that each lot will have two units on it.

Lee Tickell stated that there is an issue with the Fish Wildlife and Parks request for a 50 to 100-foot setback along Willow Creek.

Tristan stated that those are standard statements from Fish Wildlife and Parks. He said that there was a floodplain analysis completed that proved that the water is contained within the channel of Willow Creek. The Floodplain Administrator said that based on that information, a 25-foot setback is more than enough. He said that he tried to get in touch with Fish Wildlife and Parks for further comment, and they have not gotten back to him.

Les motion to approve the variance request based upon the findings of facts and staff recommendation.

Jan seconded the motion.

A vote was called; the members voted (9-0) to approve the variance. (See Attachment D, Brooks Hotel, Lot 6A, AP Variance Vote Sheet)

(v) Board Deliberation and Recommendation on the Subdivision Proposal

Ben Hillicoss stated that his concern is the impact on agriculture. He said that there was no mitigation proposed on this project for agriculture. He said that the school contribution is not very good. The pathway is good, but he thought that the pathway should be separated from the road.

Jim Dawson said that his concern is about the school mitigation. He asked if the pathway would be separated by lines and not by any physical barriers. He wanted to know if they would consider installing shared wells instead of individual ones.

John Horat stated that either R&G, Inc. would give one of the lots to the school or they would be willing to pay \$1,000 per lot. He said that he would like the pathway to

be connected to the road. He said that they would like to extend it by a foot or two and chip seal it. He said that they would stripe it and put signs on it. He said that shared wells take up to two years and require an expensive process. He stated that the individual wells were approved by DEQ.

Fran Maki said that she was concerned about the water on the corner lot closest to the ditch because of possible contamination.

Jan said that he wanted to address the agricultural part of this. He said that the land is too close to neighbors and the town of Corvallis. He said that if there was agricultural activity, people would complain about it. He said that the pathway is a great idea and that he thought that having separate wells was a good idea too.

Lee Kierig wanted to know the proposed mitigation for the Fire Department.

John Horat said that they either had to pay the mitigation or construct an onsite water storage system.

Lee Kierig asked about the possibility of offering some mitigation to the Sheriff's Department.

John Horat said that he wanted to save that discussion for the Commissioners. He said that there would likely be a contribution to the Sheriff.

Lee asked if the mitigation would include Emergency Services.

John Horat said that he questioned where mitigation would stop if there were contributions to private agencies.

Lee asked if they would be willing to talk about mitigation for ambulance services. He said that they cannot make it a condition. He said that the land is prime agricultural soil and that it would be a loss to the agricultural community. He asked if the water rights on the property had been severed.

John Horat stated that people would rather pull groundwater instead of taking it out of the ditch so they do not have to deal with weeds.

Lee Tickell reiterated that the Planning Department had not heard back from Fish Wildlife and Parks regarding the revised setback distance.

Tristan stated that he was still waiting to hear from Fish Wildlife and Parks.

Lee Tickell asked what happens if they say that the 25-foot setback recommended by the Floodplain Administrator was not adequate and they wanted their 100-foot setback.

Tristan said that would be a staff call to either utilize the Fish Wildlife and Parks recommendation or the Floodplain Administrator's recommendation. He said that would be discussed at the Commissioners' public hearing.

Lee Tickell voiced that he did not like the fact that there was no response from Fish Wildlife and Parks.

Jim Dawson asked about parkland dedication.

Tristan stated that it is a requirement.

MikeENZler stated that the cash-in-lieu of parkland would be collected on behalf of the Park Board.

Lee Tickell asked if the ADA requires a separate pathway or not.

Lee Kierig stated that ADA is going to ask for a 5 foot pathway. He said that they do not require pathways to be separated. He said that they just want the pathways to be usable.

Jim Dawson asked how much cash-in-lieu of parkland dedication will be given to the Park Board.

Tristan said that is not known until preliminary plat approval is done. The Commissioners will decide if it will be an acceptable amount or not.

Ben Hillicoss stated that he has an issue of not knowing what the schools will receive for mitigation.

John Horat said that the minimum would be \$1,000 per lot or unit to the schools.

Ben Hillicoss said that his issue is construction on prime agricultural land without offering any mitigation.

John Horat stated that this property already went through the subdivision process and was removed from agricultural use during that earlier process.

Ben Hillicoss stated that does not matter; it is still land and can be used as agricultural land. He said that he believes that it requires mitigation. He said that he hopes that the Commissioners will ask for some kind of mitigation for the loss of the agricultural land.

John Horat stated that they would address that with the Commissioners.

Lee Tickell asked that the agricultural issue was dealt with by the Commissioners, and they had determined that it was not agricultural land.

John Horat stated that the Commissioners did pass the project as a subdivision.

Review of Subdivision Proposal Against the Six Criteria

1. Effects on agriculture

Five members thought that the mitigation was sufficient and four thought that it was not sufficient.

2. Effects on agricultural water-user facilities

Nine thought that the mitigation was sufficient.

3. Effects on local services

Seven members stated that the mitigation proposed was sufficient. Two Members thought the mitigation was not sufficient.

4. Effects on the natural environment

Nine thought that the mitigation was sufficient.

5. Effects on wildlife and wildlife habitat, including fisheries and mammals

Seven members said that the mitigation was sufficient, one member said that the mitigation was not sufficient, and one member abstained.

6. Effects on public health and safety

Nine thought that the mitigation was sufficient.

(See Attachment E, Brooks Hotel, Lot 6A, AP Six Criteria Review Sheet)

Jim motioned to approve the Brooks Hotel, Lot 6A, AP Subdivision based upon the conditions in the staff report and with the addition that the developer talk to the Commissioners about the cash-in-lieu of parkland dedication amount.

Mary Lee seconded the motion.

A vote was called; the members voted (7-2) to approve the subdivision. (See Attachment F, Brooks Hotel, Lot 6A, AP Subdivision Vote Sheet)

(B) Elk Ridge (Basolo) Minor Subdivision and Variance Request

- (i) Staff Report on the Subdivision and Variance Request: **Randy Fifrick** gave an overview of the proposal and stated Staff recommends denial of the subdivision as stated in the Staff Report and conditional approval of the variance subject to two conditions. (See Attachment G, Elk Ridge Staff Report)

- (ii) Presentation by the Subdivider's Representative

Bill Burnett with PCI said that he had researched the request for the 20-foot paved travel service area and spoke to the Ravalli County Road and Bridge Department. He understood that the road only had to have an 18-foot paved travel surface area with two one-foot shoulders on each side that were not paved. He said that this was satisfactory for the Fire Department. He stated that there would only be about forty added vehicles a day, which would cause a 19% increase in traffic to the road. He stated that Granite Creek Road was not built to County standards and the denial of this subdivision was based on that fact. He said that he would like to come up with some kind of mitigation to be considered for the road. He stated that he wanted to use a portion of the pro rata to fix this situation.

Duncan Jakes with PCI gave an overview of the current and historical conditions of Granite Creek Road.

Jan asked if the County said that Granite Creek Road was adequate for ingress and egress out of that.

Bill Burnett said that the Road Department never said anything about it until recently. He said that they are trying to mitigate as best as they can at the last minute. He said that he feels that they can make some changes to the road to help with the subdivision.

- (iii) Acceptance of Public Comments

There were no public comments.

- (iv) Planning Board Deliberation and Recommendation on the Variance Request

Ben Hillicoss said that there are two other ways out of Granite Creek. He asked if they had looked into those.

Duncan said that they have not explored that because they are closed.

Bill Burnett said that it is private land and the landowners would not let them through their land.

Jim stated that he noticed in the pictures that the road had been plowed.

Duncan explained that the County plowed it.

Jim asked when the road plans were submitted and approved.

Bill Burnett said that the road plans were submitted in February of 2008 and approved in the past thirty days.

Randy stated that the road plans were approved on February 2, 2009.

Les stated that the request for the variance was requested based on findings of facts. He stated that a hammerhead at the top of the road would be appropriate for this subdivision.

Ben stated that he had been up to the proposed subdivision and that there needs to be a turnaround at the top. He said that there are two turns that are really tight and that the grade was a little steep on the road.

Duncan stated that road is not going to be the same. He said that the turns will be re-designed to be at least 50 feet.

Bill Burnett stated that he asked the Florence Fire Department to measure their trucks. He said that the road was designed to match the trucks.

Les motioned to approve the variance based on the findings of fact and staff's recommendations with the addition of a hammerhead turnout, midway, as recommended by the Road Department.

Jan seconded the motion.

Jim asked to change Condition 8 12 to state an 18-foot paved surface with two one-foot shoulders instead of Staff's recommendation for a 20-foot paved surface with two one-foot shoulders.

Les stated that his motion includes Staff's recommended Condition 8.

Jim motioned to amend Les' motion to say that there should only be an 18-foot paved surface with two one-foot shoulders.

The amended motion died.

A vote was called; the members voted (9-0) to approve Les' motion to approve the variance. (See Attachment H, Elk Ridge Variance Vote Sheet)

(v) Board Deliberation and Recommendation on the Subdivision Proposal

Ben said that his main issue is the road issue. He said that the application was lacking any proposal to fix it.

Lee Tickell stated that his concern is the amount of water flowing, causing ruts on the road. He asked about the building sites and drain fields. He asked why lot two was the same elevation as the rest and has a small corner of the 100-foot no-build zone.

Duncan Jacobs stated that all of them are going to be pumped so that makes it so they can be smaller lots.

Les said that when Granite Creek Road is snow-packed, it is very dangerous. He said that he would like to see a description of the proposed mitigation before this proposal goes before the Commissioners. He said that the road has to be constructed to the Road Department's standards. He stated that he does not feel that the Board can respond until there is something in writing.

Jan said that he agrees with Les. There needs to be something in writing as to what they are going to propose.

Ben stated that there are a lot of new houses up in that area, which makes the road issue a huge concern. He said that the best solution would be to connect the road out to Eight Mile to give residents two ways to get out of the area.

Lee Kierig said that the road is a great concern and that he agrees with Les that there needs to be something proposed in writing. He stated that the Fire Department is not going to be able to get up there in the case of an emergency. He said that he thinks that they are making a manmade hazard. He stated that he does not have anything to base his decision on because there are no findings of fact.

Jim Dawson said that he sees the engineered septic designs for lots 3, 4, and 5 but does not see one for lot 2. He stated that he is concerned with what appear to be serious groundwater issues. He asked how the consultant gathered their information regarding well logs, pump depth and duration tests. He questioned the projects engineer as to the high transmissivity calculations found within the groundwater reports.

Duncan Jakes stated that everything was reviewed by DEQ and by the County. He also said that DEQ has voiced concerns regarding water availability. He said that the DEQ was going to hire a hydrologist for further testing.

Review of Subdivision Proposal against the Six Criteria

1. Effects on agriculture

Nine members thought that the mitigation was sufficient.

2. Effects on agricultural water-user facilities.

Eight members stated that the mitigation was sufficient. One member abstained.

3. Effects on local services

One member thought that the mitigation proposed was sufficient. Seven members thought the mitigation was not sufficient.

4. Effects on the natural environment

Five members stated that the mitigation proposed was sufficient. Four members thought the mitigation was not sufficient.

5. Effects on wildlife and wildlife habitat, including fisheries and mammals

Eight members stated that the mitigation proposed was sufficient. One member thought the mitigation was not sufficient.

6. Effects on public health and safety

Nine members thought that the mitigation was not sufficient.

(See Attachment I, Elk Ridge Six Criteria Review Sheet)

Ben Hillicoss made a motion to deny the Elk Ridge Subdivision based on the findings of facts in the staff report.

Tristan stated that the Board does not have to make a decision on the proposal if there was not enough information to base a decision off of; they could just leave it. He said that the consultants are going to work with the Road Department to develop a mitigation plan for Granite Creek Road.

Lee Tickell seconded the motion.

Lee Kierig asked if the Board wanted to deny the subdivision based on just the issues on the road.

Les said that the option would be to withdraw pending submittal of additional information.

A vote was called; the members voted (7-2) to deny the subdivision. (See Attachment J, Elk Ridge Subdivision Vote Sheet)

8. **Communications from Staff**

(A) **Board training opportunity: March 21**

John Lavey said that there will be a Board Training held on Saturday, March 21, 2009, and that he has sent out an email with the information.

9. **Communications from Public**

There was none.

10. **Communications from The Board**

There was none.

11. **New Business**

There was none.

12. **Old Business**

There was none.

13. **Next Regularly Scheduled Meeting: March 18, 2009, at 3:00 p.m.**

14. **Adjournment**

Lee adjourned the meeting at 9:50 p.m.